

1 AN ACT relating to elections.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.243 is amended to read as follows:

- 4 (1) In addition to the other duties and powers of the Attorney General, he **or she** shall  
5 enforce all of the state's election laws by civil or criminal processes.
- 6 (2) The Attorney General shall:
- 7 (a) Devise and administer programs to observe the conduct of elections;
- 8 (b) Hold public hearings;
- 9 (c) Establish a toll-free telephone service for the purpose of receiving reports of  
10 election law violations. The service shall be operated during regular business  
11 hours throughout the year and during the hours which any poll in the state is  
12 open on the day of any primary, special election, or regular election;
- 13 (d) Initiate investigations or investigate alleged violations of election laws at the  
14 request of a registered voter or on his **or her** own motion;
- 15 (e) Issue subpoenas for the production of any books, papers, correspondence,  
16 memoranda or other records, and compel the attendance of witnesses that he  
17 **or she** deems relevant to the purposes of any investigation;
- 18 (f) Present evidence of alleged violations to a grand jury; and
- 19 (g) File appropriate complaints in any court of competent jurisdiction.
- 20 (3) (a) The Attorney General shall be required to begin an independent inquiry for  
21 any potential irregularities that may have occurred in each election in not  
22 fewer than **twelve (12)**~~five percent (5%)~~ of Kentucky's counties, to be  
23 selected at random in a public process, within twenty (20) days following each  
24 primary or regular election. No county shall be subject to inquiry under this  
25 subsection in two (2) consecutive elections.
- 26 (b) The Attorney General shall report his **or her** findings to the grand jury of each  
27 county involved and to the chief circuit judge for the circuit in which the

1 county is located.

2 (4) When the Registry of Election Finance concludes there is probable cause to believe  
3 a violation of election laws has occurred, it shall forward the matter to the Attorney  
4 General for prosecution. In the event the Attorney General or local prosecutor fails  
5 to prosecute the matter in a timely fashion, the registry's attorney may petition the  
6 Circuit Court to be appointed as a special prosecutor. Upon such motion timely  
7 filed, for good cause shown, the court shall enter an order to that effect.

8 (5) When requested by the Attorney General, all state and local agencies and officials,  
9 including the Auditor of Public Accounts, Commonwealth's attorneys, county  
10 attorneys, Registry of Election Finance, Department of Kentucky State Police,  
11 sheriffs' departments and local police shall give all possible assistance to the  
12 Attorney General in the performance of his or her duties.

13 ➔Section 2. KRS 117.228 is amended to read as follows:

14 (1) Except as provided in subsection (4) of this section, on the day of a primary, an  
15 election, or during in-person absentee voting, if a voter is unable to provide proof of  
16 identification as required under KRS 117.225, and as defined under KRS 117.001, a  
17 voter may cast a ballot if the individual:

18 (a) Is eligible to vote under KRS 116.025;

19 (b) Is entitled to vote in that precinct; and

20 (c) In the presence of the election officer, executes a voter's affirmation, on a  
21 form prescribed and furnished by the State Board of Elections pursuant to  
22 administrative regulations promulgated under KRS Chapter 13A, affirming:

23 1. The voter is a citizen of the United States;

24 2. The voter's date of birth to the best of the voter's knowledge and belief;

25 3. The voter is qualified to vote in this precinct under KRS 116.025;

26 4. The voter's name, and that the voter is generally known by that name, or  
27 the name is as stated on his or her voter registration card;

- 1           5.    The voter has not voted and will not vote in any other precinct;
- 2           6.    The voter's current residential address, including the street address
- 3                 number and, if different from the voter's current address, the voter's
- 4                 residential address prior to the close of the registration books under KRS
- 5                 116.045, and the date the voter moved;
- 6           7.    The voter understands that making a false statement on the affirmation is
- 7                 punishable under penalties of perjury; and
- 8           8.    The voter has one (1) of the following impediments to procure proof of
- 9                 identification as defined in KRS 117.001:
  - 10                a.   Lack of transportation;
  - 11                b.   Inability to obtain his or her birth certificate or other documents
  - 12                    needed to show proof of identification;
  - 13                c.   Work schedule;
  - 14                d.   Lost or stolen identification;
  - 15                e.   Disability or illness;
  - 16                f.   Family responsibilities;
  - 17                g.   The proof of identification has been applied for, but not yet
  - 18                    received; or
  - 19                h.   The voter has a religious objection to being photographed.
- 20   (2)   In addition to the requirements of subsection (1) of this section, to cast a ballot, the
- 21         voter who is unable to provide proof of identification shall provide to an election
- 22         officer:
  - 23           (a)   The voter's Social Security Card;
  - 24           (b)   Any identification card issued by a county in this state which has the name of
  - 25                 the voter stated and has been approved in writing by the State Board of
  - 26                 Elections pursuant to administrative regulations promulgated under KRS
  - 27                 Chapter 13A;

1 (c) Any identification card with the voter's photograph and the name of the voter  
2 stated; or

3 (d) Any food stamp identification card, electronic benefit transfer card, or  
4 supplemental nutrition assistance card, that is issued by this state and has the  
5 name of the voter stated; ~~or~~

6 ~~(e) A credit or debit card with the name of the voter stated.~~

7 (3) After the election officer obtains the affirmation from the voter required by  
8 subsection (1) of this section, and after the voter provides the documents under  
9 subsection (2) of this section, the voter shall sign the precinct signature roster and  
10 shall proceed to cast his or her vote in a ballot completion area.

11 (4) If the voter is personally known to the election officer, the election officer may  
12 execute an election officer affirmation, on a form prescribed and furnished by the  
13 State Board of Elections pursuant to administrative regulations promulgated under  
14 KRS Chapter 13A, affirming the voter's identification as being personally known to  
15 him or her. Once the affirmation is executed by the election officer, the voter shall  
16 sign the precinct signature roster and shall proceed to cast his or her vote in a ballot  
17 completion area. For purposes of this subsection, "personally known" means that  
18 the election officer knows the voter's name and that the voter is a resident of the  
19 community.

20 (5) The voter affirmation and the election officer affirmations executed under this  
21 section shall be processed in the same manner as an oath of voter affidavit as  
22 prescribed by KRS 117.245(3) and (4).

23 ➔Section 3. KRS 117.125 is amended to read as follows:

24 ~~[Except for voting equipment that has been certified and in use on or before June 29,~~  
25 ~~2021,]~~ No voting system or voting equipment shall be approved for use after January 1,  
26 2024~~[June 29, 2021]~~, by the State Board of Elections, either upon initial examination or  
27 reexamination, and no voting equipment or voting system shall be purchased after the

1 effective date of this Act, unless the system and equipment has been certified under KRS  
2 117.379 and is so constructed that it shall:

- 3 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for  
4 whom any other voter has voted or is voting, except for those voters requiring  
5 assistance under KRS 117.255;
- 6 (2) Permit votes to be cast for any candidate entitled to have his or her name printed  
7 upon the ballots at any primary, regular election, or special election, and for or  
8 against any public question entitled to be placed upon the ballots;
- 9 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or  
10 for one (1) or more candidates of every party having candidates entitled to be voted  
11 for, or for one (1) or more independent, political organization, or political group  
12 candidates;
- 13 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully  
14 entitled to vote for, and no more;
- 15 (5) Prevent a voter from voting for more persons for any office than the voter is entitled  
16 to vote for, and from voting for the same person, or for or against the same  
17 question, more than once;
- 18 (6) Permit a voter to vote for or against any question the voter may have the right to  
19 vote on, but no other;
- 20 (7) Provide for a nonpartisan ballot;
- 21 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for  
22 any person except those seeking nomination as candidates of the voter's party, as  
23 candidates for a nonpartisan office, or as candidates for an office of the Court of  
24 Justice;
- 25 (9) Permit each voter to vote for all the candidates for presidential electors of any party  
26 by one (1) operation;
- 27 (10) Permit each voter to vote, in any regular or special election, for any person for

- 1       whom the voter desires to vote whose name does not appear upon the ballot by  
2       providing a method of write-in voting;
- 3       (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and  
4       accurately count all votes cast for each person, and for or against each public  
5       question;
- 6       (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent  
7       paper ballot, either visually or using assistive voting technology, by producing  
8       a voter-verified paper audit trail;
- 9       (b) Provide each voter an opportunity to change votes or correct any error before  
10      the voter's ballot is cast and counted; and
- 11      (c) Provide a voter who spoils his or her ballot another ballot as provided under  
12      this chapter;
- 13      (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating  
14      purposes;
- 15      (14) Preserve the paper ballot as an official record available for use in any audit or  
16      recount;
- 17      (15) Be suitably designed for the purpose used, constructed of a durable material, and  
18      safely transportable;
- 19      (16) Be capable of determining whether the voting equipment has been unlocked and  
20      operated or adjusted in any manner after once being locked;
- 21      (17) Have a public counter with a register which is visible from the outside of the  
22      counter or device that will show at all times during an election how many persons  
23      have voted;
- 24      (18) Have a protective cumulative counter indicating the number of votes cast for each  
25      person, and the votes cast for or against each public question which cannot be seen,  
26      reset, or tampered with without unlocking a covering device by a key or other  
27      security apparatus that cannot unlock any other part of the equipment, and which

- 1 prevents changes to the cumulative counter once the system has been put into  
2 operation on the day of any election;
- 3 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 4 (20) Provide locks or other security apparatus by which the operation of the voting  
5 equipment may be locked before the time for opening the polls and after the time  
6 for closing the polls;
- 7 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a  
8 vote for all candidates and on all questions of the voter's choice, and when operated  
9 properly, register and record correctly and accurately every vote cast;
- 10 (22) Bear a number or other unique designation that will distinguish it from any other  
11 voting equipment or voting system;
- 12 (23) Produce a real-time audit log record for the voting system, and produce a paper  
13 record with a manual audit capacity which shall be available as an official record for  
14 any recount conducted related to any primary or election in which the system is  
15 used;
- 16 (24) Be accessible for individuals with impairments, including nonvisual accessibility  
17 for the blind or visually impaired, in a manner that provides the same opportunity  
18 for access and participation, including privacy and independence, as for other  
19 voters;
- 20 (25) Prohibit voting equipment that tabulates or aggregates votes used in official  
21 results from connecting to any network, including the Internet, or  
22 communicating with any device external to the voting system;
- 23 (26) Meet or exceed the standards for a voting system established by the Election  
24 Assistance Commission, as amended from time to time, and those approved under  
25 KRS 117.379; and
- 26 (27)~~(26)~~ Meet such other requirements as may be established by the State Board of  
27 Elections in administrative regulations promulgated under KRS Chapter 13A to

1 reflect changes in technology to ensure the integrity and security of voting systems.

2 ➔Section 4. KRS 117.135 is amended to read as follows:

3 When voting equipment is acquired by any county, the voting equipment shall:

4 (1) Be immediately placed in the custody of the county clerk;

5 (2) ~~[-, and shall -]~~ Remain in the county clerk's~~[his or her]~~ custody at all times except  
6 when in use during in-person absentee voting,~~[at]~~ an election, or when in the  
7 custody of a court or court officer during contest proceedings;

8 (3) ~~[-. The clerk shall see that the voting equipment is -]~~ Be properly protected and  
9 preserved by the county clerk from damage or unnecessary deterioration;

10 (4) Be protected by the county clerk from~~[-, and shall not permit]~~ any unauthorized  
11 tampering~~[person to tamper]~~ with the voting equipment; and

12 (5) Be secured and locked by the county clerk.

13 ➔Section 5. KRS 117.295 is amended to read as follows:

14 (1) For a period of ~~ten (10) days following any primary, and for a period of]~~ thirty (30)  
15 days following any~~[- regular or special]~~ election, the voting equipment shall remain  
16 locked against voting,~~[- and]~~ the ballot boxes containing all paper ballots shall  
17 remain locked, and the voting equipment and ballot boxes shall be under video  
18 surveillance.~~[except that]~~ The voting equipment and the ballot boxes may be  
19 opened and all the data and figures therein examined:

20 (a) Upon the order of any court of competent jurisdiction, or judge thereof;

21 (b) By direction of any legislative committee or board authorized and empowered  
22 to investigate and report upon contested elections;

23 (c) By a county board of elections under the direction of the State Board of  
24 Elections pursuant to a risk-limiting audit; or

25 (d) As required to conduct a recount under KRS 120.157.

26 All the data and figures shall be examined by the court, judge, county board of  
27 elections, State Board of Elections, or committee in the presence of the officer



1 having the custody of the voting equipment, ballots, and ballot boxes. In the event  
2 of a contest of election, the court in which the contest is pending or the committee  
3 before which the contest is being heard may, upon motion of any party to the  
4 contest, issue an order requiring that the voting equipment, ballots, and ballot boxes  
5 shall remain continuously locked for further time as may be reasonable or  
6 necessary, with due regard for the preparation of the voting equipment for a  
7 succeeding primary, regular election, or special election, but in no event shall the  
8 order compel that the voting equipment remain locked to a time within thirty (30)  
9 days next preceding any approaching primary, regular election, or special election.

10 (2) During the period when the voting equipment and the ballot boxes are required to  
11 be kept locked, the keys thereto shall remain in the possession of the county board  
12 of elections. After that period, it shall be the duty of the county board of elections to  
13 return the keys to the custody of the county clerk.

14 ➔Section 6. KRS 121.180 is amended to read as follows:

15 (1) (a) Any candidate, slate of candidates, or political issues committee shall be  
16 exempt from filing any campaign finance reports required by subsections (3)  
17 and (4) of this section if the candidate, slate of candidates, or political issues  
18 committee chair files a form prescribed and furnished by the registry stating  
19 that currently no contributions have been received and that contributions will  
20 not be accepted or expended in excess of three thousand dollars (\$3,000) in  
21 any one (1) election. A separate form shall be required for each primary,  
22 regular, or special election in which the candidate or slate of candidates  
23 participates or in which the public question appears on the ballot, unless the  
24 candidate, slate of candidates, or political issues committee chair indicates on  
25 a request for exemption that the request will be applicable to more than one  
26 (1) election. The form shall be filed with the same office with which a  
27 candidate or slate of candidates files nomination papers or, in the case of a

1 political issues committee, with the registry.

2 (b) For a primary, a candidate or slate of candidates shall file a request for  
3 exemption not later than the deadline for filing nomination papers and, except  
4 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be  
5 bound by its terms unless it is rescinded in writing not later than thirty (30)  
6 days preceding the primary. For a regular election, a candidate or slate of  
7 candidates shall file or rescind in writing a request for exemption not later  
8 than sixty (60) days preceding the regular election, except as provided in  
9 subparagraph 2. of paragraph (c) of this subsection. For a special election, a  
10 candidate or slate of candidates shall file a request for exemption not later  
11 than ten (10) days after the candidate or slate of candidates is nominated for a  
12 special election and shall be bound by its terms unless it is rescinded in  
13 writing not later than thirty (30) days preceding the special election. A  
14 political issues committee chair shall file a request for exemption when the  
15 committee registers with the registry and shall be bound by its terms unless it  
16 is rescinded in writing not later than thirty (30) days preceding the date the  
17 issue appears on the ballot.

18 (c) 1. A candidate or slate of candidates that revokes a request for exemption  
19 in a timely manner shall file all reports required of a candidate intending  
20 to raise or spend in excess of three thousand dollars (\$3,000) in an  
21 election. To revoke the request for an exemption, the candidate or slate  
22 of candidates shall file the appropriate form with the registry not later  
23 than the deadline for filing a revocation.

24 2. A candidate or slate of candidates that is exempted from campaign  
25 finance reporting requirements pursuant to paragraph (a) of this  
26 subsection but who accepts contributions or makes expenditures in  
27 excess of the exempted amount in an election, shall file all applicable

1 reports required for the remainder of that election, based upon the  
2 amount of contributions or expenditures the candidate or slate of  
3 candidates accepts or receives in that election. The filing of applicable  
4 required reports by a candidate or slate of candidates after the exempted  
5 amount is exceeded shall serve as notice to the registry that the initial  
6 exemption has been rescinded. No further notice to the registry shall be  
7 required and no penalty for exceeding the initial exempted amount shall  
8 be imposed against the candidate or slate of candidates, except for  
9 failure to file applicable reports required after the exempted amount is  
10 exceeded.

11 (d) Any candidate or slate of candidates that is subject to a June or August filing  
12 deadline and that intends to execute a request for exemption shall file the  
13 appropriate request for exemption not later than the filing deadline and, except  
14 as provided in subparagraph 2. of paragraph (c) of this subsection, shall be  
15 bound by its terms unless it is rescinded in writing not later than sixty (60)  
16 days preceding the regular election. A candidate or slate of candidates that is  
17 covered by this paragraph shall have the same reversion rights as those  
18 provided in subparagraph 1. of paragraph (c) of this subsection.

19 (e) Any candidate or slate of candidates that will appear on the ballot in a regular  
20 election that has signed a request for exemption for that election may exercise  
21 the reversion rights provided in subparagraph 1. of paragraph (c) of this  
22 subsection if a candidate or slate of candidates that is subject to a June or  
23 August filing deadline subsequently files in opposition to the candidate or  
24 slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of  
25 this subsection, a candidate or slate of candidates covered by this paragraph  
26 shall comply with the deadline for rescission provided in subparagraph 1. of  
27 paragraph (c) of this subsection.

- 1           (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any  
2           candidate or slate of candidates that has filed a request for exemption for a  
3           regular election that later is opposed by a person who has filed a declaration of  
4           intent to receive write-in votes may rescind the request for exemption and  
5           exercise the reversion rights provided in subparagraph 1. of paragraph (c) of  
6           this subsection.
- 7           (g) Any candidate or slate of candidates that has filed a request for exemption  
8           may petition the registry to determine whether another person is campaigning  
9           as a write-in candidate prior to having filed a declaration of intent to receive  
10          write-in votes, and, if the registry determines upon a preponderance of the  
11          evidence that a person who may later be a write-in candidate is conducting a  
12          campaign, the candidate or slate of candidates, except as provided in  
13          subparagraph 2. of paragraph (c) of this subsection, may petition the registry  
14          to permit the candidate or slate of candidates to exercise the reversion rights  
15          provided in subparagraph 1. of paragraph (c) of this subsection.
- 16          (h) If the opponent of a candidate or slate of candidates is replaced due to his or  
17          her withdrawal because of death, disability, or disqualification, the candidate  
18          or slate of candidates, except as provided in subparagraph 2. of paragraph (c)  
19          of this subsection, may exercise the reversion rights provided in subparagraph  
20          1. of paragraph (c) of this subsection not later than fifteen (15) days after the  
21          party executive committee nominates a replacement for the withdrawn  
22          candidate or slate of candidates.
- 23          (i) A person intending to be a write-in candidate for any office in a regular or  
24          special election may execute a request for exemption under paragraph (a) of  
25          this subsection and shall be bound by its terms unless it is rescinded in writing  
26          not later than fifteen (15) days preceding the regular or special election. A  
27          person intending to be a write-in candidate who revokes a request for

1 exemption in a timely manner shall file all reports required of a candidate  
2 intending to raise or spend in excess of three thousand dollars (\$3,000) in an  
3 election. Except as provided in subparagraph 2. of paragraph (c) of this  
4 subsection, a person intending to be a write-in candidate who revokes a  
5 request for exemption shall file the appropriate form with the registry.

6 (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the  
7 campaign committee of any candidate or slate of candidates that has filed a  
8 request for exemption or a political issues committee whose chair has filed a  
9 request for exemption shall be bound by its terms unless it is rescinded in a  
10 timely manner.

11 (k) 1. Except as provided in subparagraph 2. of paragraph (c) of this  
12 subsection, any candidate, slate of candidates, or political issues  
13 committee that is exempt from filing campaign finance reports pursuant  
14 to paragraph (a), (d), or (i) of this subsection that accepts contributions  
15 or makes expenditures, or whose campaign treasurer accepts  
16 contributions or makes expenditures, in excess of the applicable limit in  
17 any one (1) election without rescinding the request for exemption in a  
18 timely manner shall comply with all applicable reporting requirements  
19 and, in lieu of other penalties prescribed by law, pay a fine of not less  
20 than five hundred dollars (\$500).

21 2. Except as provided in subparagraph 2. of paragraph (c) of this  
22 subsection, a candidate, slate of candidates, campaign committee, or  
23 political issues committee that is exempt from filing campaign finance  
24 reports pursuant to paragraph (a), (d), or (i) of this subsection that  
25 knowingly accepts contributions or makes expenditures in excess of the  
26 applicable spending limit in any one (1) election without rescinding the  
27 request for exemption in a timely manner shall comply with all

1 applicable reporting requirements and shall be guilty of a Class D  
2 felony.

3 (2) (a) State and county executive committees, and caucus campaign committees  
4 shall make a full report, upon a prescribed form, to the registry, of all money,  
5 loans, or other things of value, received from any source, and expenditures  
6 authorized, incurred, or made, since the date of the last report, including:

- 7 1. For each contribution of any amount made by a permanent committee,  
8 the name and business address of the permanent committee, the date of  
9 the contribution, the amount contributed, and a description of the major  
10 business, social, or political interest represented by the permanent  
11 committee;
- 12 2. For other contributions in excess of one hundred dollars (\$100), the full  
13 name, address, age if less than the legal voting age, the date of the  
14 contribution, the amount of the contribution, and the employer and  
15 occupation of each contributor. If the contributor is self-employed, the  
16 name under which he or she is doing business shall be listed;
- 17 3. The total amount of cash contributions received during the reporting  
18 period; and
- 19 4. A complete statement of expenditures authorized, incurred, or made.  
20 The complete statement of expenditures shall include the name and  
21 address of each person to whom an expenditure is made in excess of  
22 twenty-five dollars (\$25), and the amount, date, and purpose of each  
23 expenditure.

24 (b) In addition to the reporting requirements in paragraph (a) of this subsection,  
25 the state executive committee of a political party that has established a  
26 building fund account under KRS 121.172 shall make a full report, upon a  
27 prescribed form, to the registry, of all contributions received from any source,

1 and expenditures authorized, incurred, or made, since the date of the last  
2 report for the separate building fund account, including:

- 3 1. For each contribution of any amount made by a corporation, the name  
4 and business address of the corporation, the date of the contribution, the  
5 amount contributed, and a description of the major business conducted  
6 by the corporation;
- 7 2. For other contributions in excess of one hundred dollars (\$100), the full  
8 name and address of the contributor, the date of the contribution, the  
9 amount of the contribution, and the employer and occupation of each  
10 contributor. If the contributor is self-employed, the name under which he  
11 or she is doing business shall be listed;
- 12 3. The total amount of cash contributions received during the reporting  
13 period; and
- 14 4. A complete statement of expenditures authorized, incurred, or made.  
15 The complete statement of expenditures shall include the name and  
16 address of each person to whom an expenditure is made in excess of  
17 twenty-five dollars (\$25), and the amount, date, and purpose of each  
18 expenditure.

19 (c) The report required by paragraph (a) of this subsection shall be made on a  
20 semiannual basis and shall be received by the registry by January 31 and by  
21 July 31. The January report shall cover the period from July 1 to December  
22 31. The July report shall cover the period from January 1 to June 30. If an  
23 individual gives a reportable contribution to a caucus campaign committee or  
24 to a state or county executive committee with the intention that the  
25 contribution or a portion of the contribution go to a candidate or slate of  
26 candidates, the name of the contributor and the sum shall be indicated on the  
27 committee report. The report required by paragraph (b) of this subsection

1 relating to a state executive committee's building fund account shall be  
2 received by the registry within two (2) business days after the close of each  
3 calendar quarter. The receipts and expenditures of funds remitted to each  
4 political party under KRS 141.071 to 141.073 shall be separately accounted  
5 for and reported to the registry in the manner required by KRS 121.230. The  
6 separate report may be made a separate section within the report required by  
7 this subsection to be received by the registry by January 31.

8 (3) (a) Except for candidates or slates of candidates, campaign committees, or  
9 political issues committees exempted from reporting requirements pursuant to  
10 subsection (1) of this section, each campaign treasurer of a candidate, slate of  
11 candidates, campaign committee, or political issues committee who accepts  
12 contributions or expends, expects to accept contributions or expend, or  
13 contracts to expend more than three thousand dollars (\$3,000) in any one (1)  
14 election, and each fundraiser who secures contributions in excess of three  
15 thousand dollars (\$3,000) in any one (1) election, shall make a full report to  
16 the registry, on a form provided or using a format approved by the registry, of  
17 all money, loans, or other things of value, received from any source, and  
18 expenditures authorized, incurred, and made, since the date of the last report,  
19 including:

- 20 1. For each contribution of any amount made by a permanent committee,  
21 the name and business address of the permanent committee, the date of  
22 the contribution, the amount contributed, and a description of the major  
23 business, social, or political interest represented by the permanent  
24 committee;
- 25 2. For each contribution in excess of one hundred dollars (\$100) made to a  
26 candidate or slate of candidates for a statewide-elected state office, or to  
27 a campaign committee for a candidate or slate of candidates for a



- 1 statewide-elected state office, the date, name, address, occupation, and  
2 employer of each contributor and the spouse of the contributor or, if the  
3 contributor or spouse of the contributor is self-employed, the name  
4 under which he or she is doing business, and the amount contributed by  
5 each contributor;
- 6 3. For each contribution in excess of one hundred dollars (\$100) made to  
7 any candidate or campaign committee other than those specified in  
8 subparagraph 2. of this paragraph or a political issues committee, the full  
9 name, address, age if less than the legal voting age, the date of the  
10 contribution, the amount of the contribution, and the employer and  
11 occupation of each other contributor. If the contributor is self-employed,  
12 the name under which he or she is doing business shall be listed;
- 13 4. The total amount of cash contributions received during the reporting  
14 period; and
- 15 5. A complete statement of all expenditures authorized, incurred, or made.  
16 The complete statement of expenditures shall include the name, address,  
17 and occupation of each person to whom an expenditure is made in  
18 excess of twenty-five dollars (\$25), and the amount, date, and purpose of  
19 each expenditure.
- 20 (b) Reports of all candidates, slates of candidates, campaign committees, political  
21 issues committees, and registered fundraisers shall be made as follows:
- 22 1. a. Candidates seeking statewide office~~[as defined in KRS~~  
23 ~~121.015(8)]~~, slates of candidates, authorized campaign  
24 committees for candidates seeking statewide office and for slates  
25 of candidates~~[candidate authorized and]~~ unauthorized campaign  
26 committees, political issues committees, and fundraisers which  
27 register~~[in the year]~~ before the year of an election in which the

1 candidate, a slate of candidates, or public question shall appear on  
2 the ballot, shall file financial reports with the registry at the end of  
3 the first calendar quarter after persons become statewide  
4 candidates or slates of candidates, or following registration of the  
5 committee or fundraiser, and each calendar quarter thereafter,  
6 ending with the last calendar quarter of that year~~[- Candidates,~~  
7 ~~slates of candidates, committees, and registered fundraisers shall~~  
8 ~~make all reports required by this section during the year in which~~  
9 ~~the election takes place];~~

10 *b. All other candidates and candidate campaign committees shall*  
11 *file annual financial reports to be received by the registry on or*  
12 *before December 1 for each year that a candidate is not yet on*  
13 *the ballot but has filed a Statement of Spending Intent and*  
14 *Appointment of Campaign Treasurer with the registry for a*  
15 *future year election.*

16 *c. Candidates, slate of candidates, or committees shall make all*  
17 *reports required by subparagraphs 2. to 5. of this paragraph*  
18 *during the year in which the election takes place;*

19 2. All candidates, slates of candidates, candidate-authorized and  
20 unauthorized campaign committees, political issues committees, and  
21 registered fundraisers shall make reports on the sixtieth day preceding a  
22 regular election, including all previous contributions and expenditures;

23 3. All candidates, slates of candidates, candidate-authorized and  
24 unauthorized campaign committees, political issues committees, and  
25 registered fundraisers shall make reports on the thirtieth day preceding  
26 an election, including all previous contributions and expenditures;

27 4. All candidates, slates of candidates, candidate-authorized and

1                    unauthorized campaign committees, political issues committees, and  
2                    registered fundraisers shall make reports on the fifteenth day preceding  
3                    the date of the election; and

4                    5. All reports to the registry shall cover campaign activity during the entire  
5                    reporting period and must be received by the registry within two (2)  
6                    business days after the date the reporting period ends to be deemed  
7                    timely filed.

8                    (4) Except for candidates, slates of candidates, and political issues committees,  
9                    exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of  
10                   funds received or expended, candidate-authorized and unauthorized campaign  
11                   committees, political issues committees, and registered fundraisers shall make post-  
12                   election reports within thirty (30) days after the election. All post-election reports to  
13                   the registry shall cover campaign activity during the entire reporting period and  
14                   must be received by the registry within two (2) business days after the date the  
15                   reporting period ends to be deemed timely filed.

16                   (5) In making the preceding reports, the total gross receipts from each of the following  
17                   categories shall be listed: proceeds from the sale of tickets for events such as  
18                   testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass  
19                   collections made at the events, and sales of items such as campaign pins, buttons,  
20                   hats, ties, literature, and similar materials. When any individual purchase or the  
21                   aggregate purchases of any item enumerated above from a candidate or slate of  
22                   candidates for a statewide-elected state office or a campaign committee for a  
23                   candidate or slate of candidates for a statewide-elected state office exceeds one  
24                   hundred dollars (\$100), the purchaser shall be identified by name, address, age, if  
25                   less than the legal voting age, occupation, and employer and the employer of the  
26                   spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-  
27                   employed, the name under which he or she is doing business, and the amount of the

1 purchase. When any individual purchase or the aggregate purchases of any item  
2 enumerated above from any candidate or campaign committee other than a  
3 candidate or slate of candidates for a statewide-elected state office or campaign  
4 committee for a candidate or slate of candidates for a statewide-elected state office  
5 exceeds one hundred dollars (\$100), the purchaser shall be identified by name,  
6 address, age if less than the legal voting age, occupation, and employer, or if the  
7 purchaser is self-employed, the name under which he or she is doing business, and  
8 the amount of the purchase. The lists shall be maintained by the campaign treasurer,  
9 political issues committee treasurer, registered fundraiser, or other sponsor for  
10 inspection by the registry for six (6) years following the date of the election.

11 (6) Each permanent committee, except a federally registered permanent committee,  
12 inaugural committee, or contributing organization shall make a full report to the  
13 registry, on a form provided or using a format approved by the registry, of all  
14 money, loans, or other things of value, received by it from any source, and all  
15 expenditures authorized, incurred, or made, since the date of the last report,  
16 including:

17 (a) For each contribution of any amount made by a permanent committee, the  
18 name and business address of the permanent committee, the date of the  
19 contribution, the amount contributed, and a description of the major business,  
20 social, or political interest represented by the permanent committee;

21 (b) For other contributions in excess of one hundred dollars (\$100), the full name,  
22 address, age if under the legal voting age, the date of the contribution, the  
23 amount of the contribution, and the employer and occupation of each  
24 contributor. If the contributor is self-employed, the name under which he or  
25 she is doing business shall be listed;

26 (c) An aggregate amount of cash contributions, the amount contributed by each  
27 contributor, and the date of each contribution; and

1 (d) A complete statement of all expenditures authorized, incurred, or made,  
2 including independent expenditures. This report shall be made by a permanent  
3 committee, inaugural committee, or contributing organization to the registry  
4 on the last day of the first calendar quarter following the registration of the  
5 committee with the registry and on the last day of each succeeding calendar  
6 quarter until such time as the committee terminates. A contributing  
7 organization shall file a report of contributions received and expenditures on a  
8 form provided or using a format approved by the registry not later than the last  
9 day of each calendar quarter in which contributions are received or  
10 expenditures are made. All reports to the registry shall be received on or  
11 before each filing deadline, and any report received by the registry within two  
12 (2) business days after each filing deadline shall be deemed timely filed.

13 (7) If the final statement of a candidate, campaign committee, or political issues  
14 committee shows an unexpended balance of contributions, continuing debts and  
15 obligations, or an expenditure deficit, the campaign treasurer shall file with the  
16 registry a supplemental statement of contributions and expenditures not more than  
17 thirty (30) days after the deadline for filing the final statement. Subsequent  
18 supplemental statements shall be filed annually, to be received by the registry by  
19 December 1 of each year, until the account shows no unexpended balance,  
20 continuing debts and obligations, expenditures, or deficit~~[-, or until the year before~~  
21 ~~the candidate or a slate of candidates seeks to appear on the ballot for the same~~  
22 ~~office for which the funds in the campaign account were originally contributed, in~~  
23 ~~which case the candidate or a slate of candidates shall file the supplemental annual~~  
24 ~~report by December 1 of that year or at the end of the first calendar quarter of that~~  
25 ~~year after the candidate or slate of candidates files nomination papers for the next~~  
26 ~~year's primary or regular election]}. All post-election reports to the registry shall  
27 cover campaign activity during the entire reporting period and must be received by~~

1 the registry within two (2) business days after the date the reporting period ends to  
2 be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the  
3 date of the election in which the candidate appeared on the ballot.

4 (8) All reports filed under the provisions of this chapter shall be a matter of public  
5 record open to inspection by any member of the public immediately upon receipt of  
6 the report by the registry.

7 (9) A candidate or slate of candidates is relieved of the duty personally to file reports  
8 and keep records of receipts and expenditures if the candidate or slate states in  
9 writing or on forms provided by the registry that:

10 (a) Within five (5) business days after personally receiving any contributions, the  
11 candidate or slate of candidates shall surrender possession of the contributions  
12 to the treasurer of their principal campaign committee without expending any  
13 of the proceeds thereof. No contributions shall be commingled with the  
14 candidate's or slated candidates' personal funds or accounts. Contributions  
15 received by check, money order, or other written instrument shall be endorsed  
16 directly to the campaign committee and shall not be cashed or redeemed by  
17 the candidate;

18 (b) The candidate or slate of candidates shall not make any unreimbursed  
19 expenditure for the campaign, except that this paragraph does not preclude a  
20 candidate or slate from making an expenditure from personal funds to the  
21 designated principal campaign committee, which shall be reported by the  
22 committee as a contribution received; and

23 (c) The waiver shall continue in effect as long as the candidate or slate of  
24 candidates complies with the conditions under which it was granted.

25 (10) (a) No candidate, slate of candidates, campaign committee, political issues  
26 committee, or contributing organization shall use or permit the use of  
27 contributions or funds solicited or received for the person or in support of or

1 opposition to a public issue which will appear on the ballot to:

2 1. Further the candidacy of the person for a different public office;~~[-, to]~~

3 2. Support or oppose a different public issue;~~[-,] or [- to]~~

4 3. Further the candidacy of any other person for public office;~~[-, except that]~~

5 (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of  
6 candidates from using funds in a~~[the]~~ campaign account to purchase  
7 admission tickets for any fundraising event or testimonial affair for another  
8 candidate or slate of candidates if the amount of the purchase does not exceed  
9 two hundred dollars (\$200) per event or affair.

10 (c) Any funds or contributions solicited or received by or on behalf of a  
11 candidate, slate of candidates, or any committee, which has been organized in  
12 whole or in part to further any candidacy for the same person or to support or  
13 oppose the same public issue, shall be deemed to have been solicited or  
14 received for the current candidacy or for the election on the public issue if the  
15 funds or contributions are solicited or received at any time prior to the regular  
16 election for which the candidate, slate of candidates, or public issue is on the  
17 ballot.

18 (d) Any unexpended balance of funds not otherwise obligated for the payment of  
19 expenses incurred to further a political issue or the candidacy of a person  
20 shall, in whole or in part, at the election of the candidate or committee;~~[-,]~~

21 1. Escheat to the State Treasury;~~[-,]~~

22 2. Be returned pro rata to all contributors;~~[-, or,]~~

23 3. In the case of a partisan candidate, be transferred to:

24 a. A caucus campaign committee;~~[-,] or [- to]~~

25 b. The state or county executive committee of the political party of  
26 which the candidate is a member;~~[-, except that a candidate,~~  
27 ~~committee, or an official may retain the funds]~~

1            **4. Be retained** to further the same public issue or to seek election to the  
2            same office; or

3            **5 Be donated**~~[may donate the funds]~~ to any charitable, nonprofit, or  
4            educational institution recognized under Section 501(c)(3) of the United  
5            States Internal Revenue Code of 1986, as amended, and any successor  
6            thereto.

7        (11) If adequate and appropriate agency funds are available to implement this subsection,  
8            electronic reporting shall be made available by the registry to all candidates, slates  
9            of candidates, committees, contributing organizations, registered fundraisers, and  
10           persons making independent expenditures. The electronic report submitted to the  
11           registry shall be the official campaign finance report for audit and other legal  
12           purposes, whether mandated or filed by choice.

13        ~~(12) [Filers not required to file reports electronically, as set forth in this section, are~~  
14           ~~strongly encouraged to do so voluntarily.]~~

15        ~~(13)]~~ The date that an electronic or on-line report shall be deemed to have been filed with  
16           the registry shall be the date on which it is received by the registry.

17        **(13)**~~[(14)]~~ All electronic or online filers shall affirm, under penalty of perjury, that the  
18           report filed with the registry is complete and accurate.

19        **(14)**~~[(15)]~~ Filers who submit electronic campaign finance reports which are not readable,  
20           or cannot be copied~~[, or are not accompanied by any requisite paper copy]~~ shall be  
21           deemed to not be in compliance with the requirements set forth in this section.

22        **(15)**~~[(16)]~~ Beginning with the primary scheduled in calendar year 2020, and for each  
23           subsequent election scheduled thereafter, reports required to be submitted to the  
24           registry involving candidates, slates of candidates, committees, contributing  
25           organizations, and independent expenditures shall be reported electronically.

26        **(16)**~~[(17)]~~ (a) On each~~[paper and]~~ electronic form that the registry supplies for the  
27           reports required under subsections (2), (3), and (6) of this section, the registry



1 shall include an entry reading, "No change since last report."

2 (b) If a person or entity that is required to report under subsection (2), (3), or (6)  
3 of this section has received no money, loans, or other things of value from any  
4 source since the date of its last report and has not authorized, incurred, or  
5 made any expenditures since that date, the person or entity may check or  
6 otherwise designate the entry that reads, "No change since last report." A  
7 person or entity designating this entry in a report shall state the balance carried  
8 forward from the last report but need not specify receipts or expenditures in  
9 further detail.

10 ➔Section 7. KRS 117.015 is amended to read as follows:

11 (1) There shall be a State Board of Elections that is an independent agency of state  
12 government, which shall administer the election laws of the state and supervise  
13 registration and purgation of voters within the state. The board:

14 (a) May promulgate administrative regulations necessary to properly carry out its  
15 duties; and

16 (b) Shall promulgate administrative regulations establishing a procedure for  
17 elections officials to follow when an election has been suspended or delayed  
18 as described in KRS 39A.100.

19 (2) The **State Board of Elections**~~[board]~~ shall consist of the following:

20 (a) The Secretary of State, who shall be:

21 1. A~~[an ex-officio]~~ nonvoting member, *except in cases of casting a*  
22 *determinative vote, if a vote taken by the board would otherwise result*  
23 *in a tie;*~~[, and who shall also serve as ]~~

24 2. The chief election official for the Commonwealth; *and*

25 3. *The chair of the board who shall preside at the meetings of the board;*

26 (b) Two (2) **voting** members appointed by the Governor as provided in subsection  
27 **(5)**~~[(6)]~~ of this section;

1 (c) Six (6) voting members appointed by the Governor as provided in subsection  
2 ~~(4)~~~~(5)~~ of this section; and

3 (d) An executive director appointed in accordance with KRS 117.025~~[,]~~ who is a  
4 nonvoting member~~[may vote only to break a tie regarding selection of the~~  
5 ~~chair of the board]~~.

6 (3) ~~[A chair of the board, who is a then current voting member of the board, shall be~~  
7 ~~elected as chair of the board by a majority of the voting members who serve on the~~  
8 ~~board. The chair shall preside at the meetings of the board and vote on matters~~  
9 ~~before the board.~~

10 ~~(4)~~ The appointed members shall Serve for a term of four (4) years or until their  
11 successors are appointed. Members shall be at least twenty-five (25) years of age  
12 and qualified voters of this state. No appointed member shall be a candidate for  
13 public office or have been a candidate for public office for two (2) years prior to his  
14 or her appointment, except as provided in subsection (2)(b) of this section. No  
15 member of the board shall have been convicted of any election law offense.

16 ~~(4)~~~~(5)~~ Two (2) members shall be appointed by the Governor from a separate list of at  
17 least five (5) names submitted by the state central executive committee of each of  
18 the two (2) political parties that polled the largest vote in the last preceding election  
19 for state officials. The list shall be submitted to the Governor by February 15 of  
20 1992, and the appointments of the Governor shall be made by April 1 of the same  
21 year. Two (2) separate lists shall be submitted to the Governor by August 15 of  
22 1990 and every four (4) years thereafter, and two (2) appointments shall be made  
23 from these lists by September 15 of each year in which the lists are received.

24 ~~(5)~~~~(6)~~ Two (2) members shall be appointed by the Governor from a separate list of at  
25 least four (4) names submitted by the Kentucky County Clerk's Association of each  
26 of the two (2) political parties that polled the largest vote in the last preceding  
27 regular election for state officials. Each of the two (2) members appointed under

1       this subsection shall be former county clerks ~~and shall be voting members~~. The  
2       lists required under this subsection shall be submitted to the Governor by July 15,  
3       2019, and every four (4) years thereafter. The appointments made by the Governor  
4       under this subsection shall be made by August 15, 2019, and every four (4) years  
5       thereafter.

6       (6)~~(7)~~       Vacancies shall be filled in the same manner as provided for original  
7       appointments, and the person appointed to fill the vacancy shall be of the same  
8       political party as his or her predecessor.

9       (7)~~(8)~~       The board shall meet as often as necessary to carry out its duties and shall  
10       keep a record of its acts, orders, findings, and proceedings. A majority of the board  
11       shall constitute a quorum.

12       (8)~~(9)~~       The members of the board shall be paid a reasonable sum to be fixed by the  
13       secretary of the Personnel Cabinet, with the approval of the secretary of the Finance  
14       and Administration Cabinet, and in addition, their expenses in attending board  
15       meetings. The compensation shall be paid out of the State Treasury upon requisition  
16       signed by the chair of the board and approved by the secretary of the Finance and  
17       Administration Cabinet.